

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

 Complete if Known

 Application Number
 10/803,569

 Filing Date
 March 17, 2004

 First Named Inventor
 Seamans, Scott

 Art Unit
 3728

 Examiner Name
 Jila M. Mohandesi

 Attomey Docket Number
 040130-050011US

(use as many sheets as necessary)

Sheet 1 of 3 Attorney Docket Number 040130-050011US

			U.S. PATENT DO	CUMENTS+	
Examiner Initials*	Cite No.	Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
A	AA	US-1,392,350	10-4-21	O'Brien	
7	AB	US-2,180,924	11-21-39	Dunbar	
	AC	US-4,100,685	7-18-78	Dassler	
	AD	US-4,408,401	10-11-83	Seidel et al.	
	AE	US-4,967,750	11-6-90	Cherniak	
	AF	US-4,888,887	12-26-89	Solow	
	AG	US-5,438,767	8-8-95	Stein	
	AH	US-5,528,841	6-25-96	Pozzobon	
.	Al	US-5,561,919	10-8-96	Gill	
	AJ	US-D381,794	8-5-97	Gelli	
	AK	US-D416,667	11-23-99	Lamstein	
	AL	US-D431,346	10-3-00	Birkenstock .	
	AM	US-6,237,250	5-29-01	Aquerre	
	AN	US-D476,797	7-8-03	Schenone	
	AO	US-5,540,464	11-4-03	Hsin et al.	
	AP	US-6,860,035	3-1-05	Girard	
	AQ	US-D155,956	· 11-1949	Wood	
	AR	US-D368,797	4-1996	Brooks et al.	
\neg	AS	US-D428,239	7-2000	Plamondon	
	AT	US-D479.034	9-2003	Tzenos	
	AU	US-D492,095	6-2004	Sanchez et al.	
	AV	US-D492,096	6-2004	Sanchez et al.	
	AW	US-D492,841	7-2004	Magro	
	AX	US-D493,611	8-2004	Chen	
	AY	US-D66,083	11-1924	Johnson	
1	AZ	US-D247,136	2-1978	Mizoguchi	
	BA	US-D251,158	2-1979	Edmonds	
	BB	US-D355,526	2-1995	Ductos	
7	BC	US-D467,065	12-2002	Chen	
on	BD	US-D494,345	8-2004	Werman	

Examiner Initials*		Foreign	Patent Docum	nent		Name of Patentee or	Pages, Columns, Lines, Where Relevant	
	Cite No.1	Country Code ³	Number ⁴	Kind Code ⁶ (if known)	Publication Date MM-DD-YYYY	Applicant of Cited Document	Passages or Relevant Figures Appear	T ⁶
	BE	EP-0 802 039 A2			10-22-97	Finnerior S.P.A.		
	BF	EP-0 802 040 A2			10-22-97	Finproject - S.P.A.	alical	
	BG	EP-0 802 044 AZ			10-22-97	Finoroject - S.P.A.	1.2. 2.100	<i>•</i> •
~	BH	EP-0 884 005 A1	·········		12-16-98	Fin project - S.P.A.	105 1 671	20/
Examine Signature	1 '	J.:	M . 1	~	Date Considered	01-05-		

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1 Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language Translation is attached.

Substitute	Substitute for form 1449A&B/PTO		Complete if Known			
				Application Number	10/803,569	
			CLOSURE	Filing Date	March 17, 2004	
STATEMENT BY APPLICANT			PPLICANT	First Named Inventor	Seamans, Scott	
				Art Unit	3728	
(1	(use as many sheets as necessary)			Examiner Name ·	Jila M. Mohandesi	
Sheet	2	of	3	Attorney Docket Number	040130-050011US	

			F	OREIGN PA	TENT DOCUME	ENTS		
Examiner Initials*	Cite No.1	Foreign Patent Document			Publication Date	Name of Patentee or	Pages, Columns, Lines, Where Relevant	
		Country Code ³	Number ⁴	Kind Code ³ (if known)	MM-DD-YYYY	Applicant of Cited Document	Passages or Relevant Figures Appear	T [®]
0	BI	GB 2,322,286			8-26-98	Quillot ·		
- Or	BJ	CA 2,375,957			9-13-02	Pan et al.		
- C	ВК							
	BL	<u> </u>						

Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. BM RHODA MIEL, Snowshoe Walks Away with Best Design, Plastics News, April 22, 2002, v. 14, n. 8, p. 4 (2 pages). BN LUISA ZARGANI, One Fine Year; Anton Magnani's Quirky Dry-Shod Designs have Gained the Italian Design Respect, Recognition and a Deal with Comme Des Garcons, Footwear News August 2, 1999. i. 102 (2 pages). BO RinProject Brews an Extralight (Evasol Plastics and Finproject Signed 3 joint renture agreement to Introduce a range of new-block and net-fit soles for shoes), Footwear News, Individual Control of Net Stance and language present in barriers to Quebec plastics processors and mold makers as the province's plastics industry continues to increase its level of exports and welcome new companies. Ganadian Plastics, O'99, v. 57(10), p. 35-50 (9 pages). BO The Elastomers Items: Engage Adds comfort to Spontian Components, Chemical Business New Base: The Elastomers Times, December 1, 2000 (2 pages). BR Comfortable Walking, Italian Technology, October 1999, n. 3, p. 168 (abstract, 12 page). BR Walking on Modified Eva, Italian Technology, May 1999, n. 10, p. 90 (abstract, 1 page).			NON PATENT LITERATURE DOCUMENTS							
BN LUISA ZARGANI, One Fine Year, Anton Magnani's Quirky Dry-Shod Designs have Gained the Italian Design Respect, Recognition and a Deal with Comme Des Garcons, Footwear News, August 2, 1999. i. 102 (2 pages). BO FinProject Brews an Extralight (Evasol Plastics and Finproject Signed's joint venture agreement to Introduce a range of New-block and net-fit soles for shoes), Footwear News, Montol Welk (Brogust 4, 1997, v. 53, n. 51, p. 8 (3 pages). CIND MACDONALD, The Entrepreneurs: they're bilingual multicultural and talented. Distance and language present no barriers to Quebec plastics processors and mold makers as the province's plastics industry continues to increase its level of exports and welcome new companies, Ganadian Plastics, O'99, v. 57/10), p. 35-50 (9 pages). BQ The Elastomers Items: Engage Adds comfort to Sporting Components, Chemical Business New Base: The Elastomers Times, December 1, 2000 (2 pages). BR Comfortable Walking, Italian Technology, October 1999, n. 3, p. 168 (abstract, 12 page).			Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T						
Respect, Recognition and a Deal with Comme Des Garcons, Footwear News August 2, 1999. I. 102 (2 pages). BO FinProject Brews an Extralight (Evasol Plastics and Finproject Signed's joint renture agreement to Introduce a range of New-block and net-fit soles for shoes), Footwear News, Mortol Netk Brogust 4, 1997, v. 53, n. 51, p. 8 (3 pages). CIND MACDONALD, The Entrepreneurs: they're bilingual multicultural and talented. Distance and language present in a barriers to Quebec plastics processors and mold makers as the province's plastics industry continues to increase its level of exports and welcome new companies, Ganadian Plastics, O'99, v. 57/10), p. 35-50 (9 pages). BQ The Elastomers Items: Engage Adds comfort to Sporting Components, Chemical Business New Base: The Elastomers Times, December 1, 2000 (2 pages). BR Comfortable Walking, Italian Technology, October 1999, n. 3, p. 168 (abstract, 12 page).	-	ВМ	RHODA MIEL, Snowshoe Walks Away with Best Design, Plastics News, April 22, 2002, v. 14, n. 8, p. 4 (2 pages).							
BO of New-block and net-fit soles for shoes), Footwear News, Morld Week, Bogust 4, 1997, v. 53, n. 21, p. 8 (3 pages). CIND MACDONALD. The Entrepreneurs: they're bilingual multicultural and talented. Distance and language present no barriers to Quebec plastics processors and mold makers as the province's plastics industry continues to increase its level of exports and welcome new companies. Ganadian Plastics, O'99, v. 57(10), p. 35-50 (9 pages). The Elastomers Times. December 1, 2000 (2 pages). BR Comfortable Walking, Italian Technology, October 1999, n. 3, p. 168 (abstract, 12 page). BS Injected Eva, Macplas International, August 1999, n. 10, p. 90 (abstract, 1 page).	·	BN	LUISA ZARGANI, One Fine Year; Anton Magnani's Quirky Dry-Shod Designs pave Gained the Italian Design Respect, Recognition and a Deal with Comme Des Garcons, Footwear News August 2, 1999. i. 102 (2 pages).							
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D' 11		BR	Comfortable Walking, Italian Technology, October 1999, n. 3, p. 168 (abstract, 12 page).							
BT Walking on Modified Eva, Italian Technology, May 1949, n. 2, p. 121, (abstract, 1 page).		BS	Injected Eva, Macplas International, August 1999, n. 10, p. 90 (abstract, 1 page).							
		ВТ	Walking on Modified Eva, Italian Technology, May 1949, n. 2, p. 121, (abstract, 1 page).							
BU Trademark Name Record, Official Gazette of the US Patents and Trademarks Office, March 24, 1998, 1208, n. 4, p. 73, (abstract, 1 page).		BU								
BV Engage® polyolefin elastomers /the critical ingredient for success, DuPont Dow Elastomers, Copyright® 2000, DuPont Dow Elastomers, www.dupont-dow.com/engage (12 pages).		BV	Engage® polyolefin elastomers the critical ingredient for success, DuPont Dow Elastomers, Copyright® 2000, DuPont Dow Elastomers, www.dupont-dow.com/engage (12 pages).							
BW Waldenstore.com, Pootwear Waldies, August 4, 2003, http://www.waldenstore.com/waldies.html, (1 page).		8W	Waldenstore.com, Footwear Waldies, August 4, 2003, http://www.waldenstore.com/waldies.html, (1 page).							

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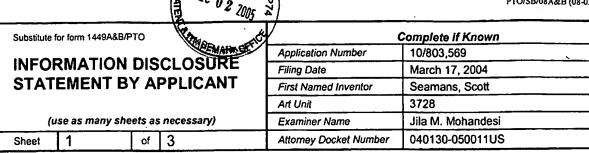
Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A&B/PTO Complete if Known 10/803,569 Application Number INFORMATION DISCLOSURE Filing Date March 17, 2004 STATEMENT BY APPLICANT First Named Inventor Seamans, Scott 3728 Art Unit (use as many sheets as necessary) Jila M. Mohandesi Examiner Name Attorney Docket Number 040130-050011US 3 Sheet

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Т
	вх	Birkenstock®, Spring & Summer 2003 Catalog, Birkenstock Orthopudie GmbH, Germany (82 pages).	
	BY	Plaintiff's Statement of Claim, FOAM CREATIONS INC. vs. HOLEY SOLES HOLDINGS LTD., Ontario, Canada Federal Court, January 28, 2005, Ridout & Maybee LLP (8 pages).	
•	BZ	Defendant's Statement of Defence, FOAM CREATION INC. vs. HOLEY SOLES HOLDINGS LTD., Ontario, Canada Federal Court, Court File No161-05, March 10, 2005, Oyen Wiggs Green & Mutala LLP (9 pages).	
	CA	Defendant's Response to Request for Particulars, FOAM CREATIONS INC. vs. HOLEY SOLES HOLDINGS LTD., Ontario, Canada Federal court, Court File No. T-161-05, April 22, 2005, Oyen Wiggs Green & Mutala LLP (including Appendices A-C, 238 pages).	<u> </u>
	СВ	Plaintiff's Request for Particulars of Defence, FOAM CREATIONS INC. vs. HOLEY SOLES HOLDINGS LTD., Ontario, Canada Federal Court, Court File No. T-161-05 May 1, 2005, Ridout Y Maybee (5 pages).	
	СС	Plaintiff's Further Request for Particulars, FOAM CREATIONS INC, vs. HOLEY SOLES HOLDINGS LTD., Ontario, Canada Federal court, Court File No. T-161-05, May 12, 2005, Ridout & Maybee (including Schedule A, 6 pages).	
	CD	Plaintiff's Reply, FOAM CREATIONS INC. vs. HOLEY SOLES HOLDINGS LTD., Ontario, Canada Federal Court, Court File No. T-161-05, Ridout & Maybee (7 pages).	
	·CE	http://web.archive.org/web/19980420230857/www.birkenstock.com/featprof.hum (3 pages).	
	CF	COMPLAINT, Holey Sales Holdings Ltd v. Foam Creations, Inc. and CROCS, Inc. (05CV6893 (MBM)(AJP) S.D.N.Y. filed Aug. 2, 2005).	

Examiner Signature	Date Considered	

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			U.S. PATENT DO	CUMENTS+	
Examiner Initials*	Cite No. ¹	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
$\overline{}$	AA	US-1,392,350	10-4-21	O'Brien	
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	AY	US-D66,083	11-1924	Johnson	
	AZ	US-D247,136	2-1978	Mizoguchi	
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	BB	US-D355,526	2-1995	Duclos	
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	BD	US-D494 345	8-2004	Werman	
3	BE	US-2001/0001350	5-24-01	Aguerre	
	BF	US-5,736,167	4-7-98	Chang	
	BG	US-3,698,107	10-17-72	Tatsuo	
0	Вн	US-6,439,536	8-27-02	Piccolo	

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&	во	European Search Report	PCT/US20040	15132			·	
	BP							

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	вх	Walking on Modified Eva, Italian Technology, May 1999, n. 2, p. 21, (abstract, 1 page).	
	BY	Trademark Name Record, Official Gazette of the US Patents and Trademarks Office, March 24, 1998, 1208, n. 4, p. 73, (abstract, 1 page).	
	BZ	Engage® polyolefin elastomers, the critical ingredient for success, DuPont Dow Elastomers, Copyright@ 2000, DuPont Dow Elastomers, www.dupont-dow.com/engage (12 pages).	
	ВАА	Waldenstore.com, Footwear Waldies, August 4, 2003, http://www.waldenstore.com/waldies.html, (1 page).	
	888	Birkenstock®, Spring & Summer 2003 Catalog, Birkenstock Orthopudie GmbH, Germany (82 pages).	
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Signature Considered Considered	Examiner Signature		Date Considered	01105106
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